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Ethics, politics and representation in *Child of Mine*, a television documentary on lesbian parenting

by Lizzie Thynne

While many documentary productions involve difficult negotiations with contributors, these negotiations and interactions take on a different character when the filmmaker is implicated in more direct ways with the people being filmed — either because, for instance, they are members of the same family[1], [[open endnotes in new window](#)] or in the example I will discuss here, because they come from the same community. The situation I explore in this article highlights the ways in which issues relating to consent and representation are sometimes determined by both filmmaker and subject having competing sets of obligations and motivations. Critics of documentary have examined conflicts between institutional constraints and political and aesthetic commitments in relation to various historical production contexts, notably the British Documentary Movement[2]. The program I discuss here, however, took place in a very unusual context — as part of a lesbian and gay magazine series on a major UK television channel; as such it presented particular challenges regarding the ethics and politics of representation. The film in question was *Child of Mine*, a forty-minute documentary about lesbian parenting rights, which a production company called Fresh Films hired me to produce and direct for Channel Four Television in 1996.

I worked for several years a freelancer, initially as a researcher and production manager and later as a producer/director. Then I returned to full-time university teaching, conducting courses on video production and film/media studies. My academic research has since drawn on my commercial work in film and television so that the present study reflects my position as someone whose experience straddles both the higher education and the production sectors. I continue to make films for festival and gallery contexts. At present I no longer make films for broadcast and have not attempted to do so. This is because of wanting to develop a more experimental approach in my films. My decision also reflects my distress with the ethical and political compromises that such production increasingly often entails in relation to the instrumentalization and manipulation of contributors.

Making *Child of Mine* confronted me with a number of conflicting issues relating to my responsibilities to the main contributor, Liz, to the LGBT (lesbian-gay-bisexual-transgender) community[3] of which I am a member, to the channel that had commissioned the film as well to my own desires and ambitions as a filmmaker. In reflecting on these dilemmas and on the meanings generated by this documentary, I include not only my own perceptions of this experience but that of the main contributor to the program, Liz, whom I re-interviewed in 2009.

This investigation is part of a larger academic study exploring the nature of encounters between subjects and producers in documentary and reality television. In the first instance, I propose to interview the subjects of films I worked on myself.[4] Since documentary ethics must concern itself with how participating in a film has an impact on the people in it, researching their feelings and thoughts about their involvement would seem to be an important way to illuminate the inter-subjective relations which determine the film's character. A concern with such relations is not new in the history of documentary, although it is much rarer in the context of broadcast television.[5] Jean Rouch was the first to foreground the interaction of subjects and filmmakers as constituting what is documented in non-fiction film[6], but this approach has generally been elided in the televisual genre. Television prefers to make invisible the interactions which determine content, style and what is said on or done camera. It is in the process of moving from the putative and profilmic realities to the screened reality that the gaps open between the contributors and the director's perceptions of a project. I look here both at the understandings and misapprehensions that were apparent at each stage of making *Child of Mine*.

The results of my more recent interview with Liz are discussed in the second half of this essay. In this interview's new context — that of academic research — I spoke to her within the framework of the ethical guidelines relating to research subjects developed in academic contexts, specifically those of my own university's "Research Governance Framework." With reference to those guidelines the key principle I have followed is this:

"Ethical practice [...] requires that participants, at a minimum, be fully informed, free to volunteer without inducement, free to opt out at any time without redress, and be fully protected in regard to safety."[7]

I conclude my discussion of documentary ethics in relation to *Child of Mine* by exploring how the process of mediation involved in filmmaking and broadcast/film exhibition raises other representational issues — which go beyond the dominant ethical frameworks of either a professional or an academic context.

Background to the film and its production

Child of Mine was pivotal for my career in television. It was made for "Dyke TV" (1995) one of the last seasons of gay factual programming to come out of the UK station, Channel Four. "Dyke TV," as the title suggests, was about lesbians made by lesbian directors and consisted of new commissions, purchased films and repeated items from the previous lesbian and gay series on the channel ("Out on Tuesday" (1989-1990) and "Out" (1991-1994)).

Channel Four was established in 1982 under Margaret Thatcher's government to cater to a greater diversity of audiences than were being addressed by the then duopoly of the BBC and ITV (the network of associated commercial channels called "Independent Television"). (Queers were not necessarily what she had in mind). The Tories also intended Channel Four's corporate structure to challenge the broadcasting establishment and the BBC in particular by demonstrating that independent suppliers to the new publisher-broadcaster channel could make programs much more cheaply than the relatively expensive, in-house productions largely undertaken by the existing stations.[8] It was an extraordinary period in the history of UK television when identity politics and a commitment to access via the Channel's Independent Film and Video Dept and commissioning editors, Caroline Spry and Jacquie Lawrence, allowed beginning television directors like myself the chance to reach national audiences and explore stories and experiences that until then had been scarcely represented on air. The department's "independence," referred to in its title, was somewhat different than that of ITV, referring instead to a group of smaller scale, radical filmmakers

who had lobbied for the creation of the channel. The commissioning editors, all the directors and many of the producers working on the *Out* and *Dyke TV* series were lesbian or gay, and some set up small companies to deliver output for the department. Making programs about our community made many of us very conscious of the "burden of representation" at the same time as we wanted to interrogate the concept of "positive images," which did not reflect the diversity of our identities and experiences.[9]

At the time I began to work on programs for Channel Four, I had been active in queer film culture through my work as Education Officer at the Tyneside Cinema in Newcastle (1987-88). Under programmer Peter Packer, the Tyneside pioneered a season of lesbian and gay films in 1986-87, which developed into London Lesbian and Gay Film Festival. In my role at the cinema I organized debates and courses around the program, including around issues of gender and sexuality. Prior to this I had undertaken Ph.D. research in literature at the University of Sussex and had long been active as in feminist campaigns as well as in women's studies in adult education.

In 1989 I began working with the then-thriving independent film sector in the North East of Britain, mainly with small companies making programs for Channel Four. The productions on which I worked continued to reflect my commitment to women's, lesbian and socialist politics.

The film *Child of Mine* arose out of a contact I had with a Scottish producer, Charlie Stuart, who had heard about a woman who was a lesbian co-parent taking legal action to get access to a child conceived in a relationship with her ex-partner, Susan. Susan had borne the child using Liz's brother as the donor. But six months after the boy's birth, Liz and Susan split up, and Susan was now denying Liz contact with him. Charlie asked me to direct the film as he became aware of my work on Channel Four's *Out*, including *After the Revolution* (1994) on LGBT experiences under communism. After securing development money, the film was commissioned from Charlie's company for the series *Dyke TV*.

At the time I met her, Liz was determined to pursue her case right up to the Court of Session, the highest court in Scotland, if need be and even to seek custody — making legal history in the country. The story clearly could bring to the fore the personal consequences of wider issues, especially the need to recognize both lesbian co-parents and significant others who are not biological parents but who are involved in raising a child. For me, it also seemed a great opportunity work in a more narrative way than I had before: I would follow unfolding events in a way that would explore the emotional and social complexity of the issues facing lesbian mothers. At another level, the project also touched aspects of my own history — especially my mother's illness in my teens. The whole issue of who can and who can't be a parent had a particular resonance for me.

I liked Liz and immediately found her a very good communicator and someone who could clearly articulate and reflect on what she was going through. I also realized that given the nature of the story and the fact that her partner Susan had no desire to participate in the film, the project might fall apart leaving me without enough material. So I researched the stories of two other lesbian couples in England (Steph and Sharon and Donna C. and Donna W.) who had already been successful in going to court together to get the co-parent's rights recognized. They did that by appealing to another serendipitous piece of legislation passed under the Thatcher government, the Children's Act (1989). The Act was designed to protect children's interests by ensuring that their main caretakers could take responsibility for dealing with schools, doctors etc. Unlike Liz, these other lesbian couples had secured these rights while they were still together rather than when a relationship had broken down.

At the time I first filmed her, Liz was going through a traumatic crisis in her life. As a

filmmaker, I was in a very different situation interviewing someone about past experiences, although I had interviewed people about painful ones. I knew that when participants are in the midst of a life crisis, the filmmaker is even more likely to be placed in the role of counsellor-confidante.

I persuaded Charlie the executive producer and the commissioning editor Jacquie Lawrence that by filming these retrospective stories with the two other couples, we would have enough material even if Liz's story did not develop in the way anticipated. Jacquie, the commissioning editor, asked for a detailed treatment showing how the different stories might be intercut, which I duly wrote. We obtained the development money and started filming Liz's first legal attempt to get access. We did interviews with her about the story so far, filmed her meeting with her lawyer, before and after the first court appearance. And when the court granted access, we recorded her thoughts before and after her first reunion with her son.

And then Liz stopped answering my calls. And I had no ending for her story. As I suspected, the situation with her ex-partner had begun to change, so she was getting cold feet about the filming. Given my visual absence as interviewer from the film and my televisual use of the pseudo-monologue up to that point[10], I didn't feel we could suddenly make some performative gesture where we explained the changed circumstances to the audience — I thought they would want to know from her what had happened.

So I finally managed to speak to Liz and persuaded her to give me a final interview, which she very graciously did. But the atmosphere was strained. I felt more intrusive than ever, and Liz, not surprisingly, was evasive and much more uncomfortable than before. Furthermore, as if by the hand of God, the monitor was not correctly calibrated and the interview footage was badly underexposed.

At that point, I wondered if the larger issue of the lack of recognition given to lesbian co-parents justified the thumbscrews I felt I had had to put on Liz to give this interview — the murky footage only seemed to confirm that I was wrong. It forcefully came home to me then that supposedly serious documentaries like this one had a lot in common with what they put their subjects through than any other piece of tabloid journalism.[11]

Worse was to follow. Just before the film was aired, *the Daily Mail*, one of the most rightwing newspapers in Britain identified Liz because we had included a shot of her lawyer's offices and they tried to track her down. They failed to locate her but they did publish an article about her case, which lifted speech and images from her story from the film. We had created a reconstruction of Liz's reunion with her son and used a small girl to play John — purely because she was the daughter of the production manager's friend. (We could not film her actual son, for both ethical and legal reasons, since Susan had not agreed.)

The Daily Mail took a shot from this reconstruction and implied that the child we used was in fact her son suggesting that she (and I) had exposed him to public scrutiny. The article's final section places Liz's story in the context of "an official survey" that purports to find only one gay household for every 692 homes, thus interpreting her story within a homophobic discourse around the instability of gay relationships.[12] I wondered whether Liz felt like Malcolm's description of the "victims" of journalists:

"Like the credulous widow who wakes up one day to find the charming young man and all her savings gone, so the consenting subject of a piece of non fiction learns — when the article or book appears — his hard lesson." [13]

Despite all these events Liz did not at any point say she wished her contribution to be cut

from the film or the program to be withdrawn, although it clearly her story was circulating in a way that caused her (and me) grief. She stood by her original "consent" even though the meanings created from the film were evidently not what she had "consented" to.

Consent, ethics and identity

In making *Child of Mine*, I was both an outsider" and an "insider." I was a documentary maker producing work for a major channel as well as a member of the lesbian community I was documenting. In this outside/inside position, I faced different claims on my loyalties and varying obligations to my subject. First, I had contractual obligations to Channel Four in relation to the program commissioned, both in terms of the legal status of interviews and other footage and in terms of storyline. Second, I felt a commitment to Liz as a fellow lesbian whose struggles for equal treatment I was witnessing and whom I wished to present in the best possible light. Third, I had a commitment to my own filmmaking career.[14]

In legal terms, Liz had signed a standard release form at the outset of shooting which gave us full permission to use the material we shot of her and edit it how we chose. In the sweeping legal phraseology of this standard release for broadcast, she had given all consents necessary for the

"reproduction, exhibition, transmission, broadcast and exploitation thereof without time limit throughout the universe by all means and media (whether now known or hereafter invented) without liability or acknowledgement to [her]."

The release form allows the producers not to have to consult with contributors at the editing stage. This is as much for economic reasons as creative control. Editing schedules involving paid professional editors and facilities as well as deadlines for program delivery make it difficult negotiate with subjects through repeated viewings. By the time the editing starts, much money may also have been spent on acquiring more footage, so especially where professional crews and travel have been paid for, there is great economic pressures to retain absolute control over how footage is used.

The fact that people sign release forms is generally used by the program-makers as justification for using the person's story, interviews or any other footage filmed in whatever way seems appropriate or necessary to construct the project and fulfill the producer's aims. As Brian Winston comments,

"The consent defense applies whether or not the participants benefit and never have second thoughts about their role: whether or not they benefit a little but also suffer so that they come to regret co-operation: or whether or not they just suffer and rue the day their involvement started them on this disastrous path." [15]

So by the "standards of the profession" I had no need to consult Liz about the cut of the program or my desire to use the footage about her, even when I suspected she was trying to re-open a dialogue with her ex-partner. Also, Charlie Stuart, executive producer, and I had a tacit agreement with her that she would allow us to follow her case to its conclusion and would not drop the case. But during the course of the production, she appeared no longer willing to take part after the initial period of shooting and she dropped her legal action. Given our initial understanding with her, we also felt justified on seeking a final interview from her. We wanted her to explain what had happened since she gained access to her son since she no longer seemed to be pursuing her case. Legally we could still use the material we had shot to date but our ethical position had become even more complicated. When we came to edit the film, communication with Liz over the project was still awkward.

We also became more concerned about two other consent issues that we feared would create obstacles to broadcast. One, we had not obtained a consent form from her lawyer, Margaret, to use the interviews and sequences involving her (a foolish omission — especially involving a lawyer). This omission would, we feared allow Margaret to block the film on her client's behalf if Liz felt it now jeopardized her accord with her partner. Two, Susan had not given any consent to the filming of the legal case or her son. We took advice from Channels Four's lawyer who seemed relaxed about the lack of a release form from the lawyer, despite the fact that the Channel, like most stations, usually required all consent forms to be submitted with the final program. He took the view that by allowing the camera to be present Margaret had given a *de facto* consent. With regard to the second point he advised that as long as Liz's partner and their son were not identified, she would have no legal case against the channel. (All participants were given false names, including Liz). The issue remained that anyone who knew the couple would know who Susan was and that the film was clearly from Liz's point of view, with Susan's view of the situation clearly absent. I felt uncomfortable about this — did I not also have obligations to protect Susan, especially since she had never given any kind of consent for the details of her relationship to be aired?

I could quell some of the doubts I had by resorting to another common justification used in professional contexts. This is that any difficulties a person experiences as the result of their appearance in the film can be justified if the film serves a wider purpose of highlighting a social abuse.[16] This was the justification given for instance by Roger Graef, a major British practitioner of the "fly-on-the-wall" documentary in relation to his film *A Complaint of Rape* (part of the series "Police" BBC One, 1982). Here, he filmed the humiliating interrogation by police of a woman with a history of psychiatric problems in; she has her back to the camera. When I asked Graef at a screening of the film whether he felt he should have intervened to protect the woman, he replied that that would have disrupted what he was trying to show — i.e., that police were trained to treat all [rape] allegations as dubious" and "to "test such claims rigorously at the earliest stage." [17] Indeed since the film did influence changes in the treatment of rape victims, it seems hard to quibble with his motive.

Yet the ability to distance oneself from the events that one is filming may also depend on one's relation to the subject being filmed. It may be easier, for instance, to remain in the position of the detached observer if one has not personally experienced sexual abuse. While I was following Liz's story, I was also in a rather different position in relation to her and her than is usual for observational filmmakers. Liz had agreed to take part in the program because of our shared identity as lesbians and her confidence that because of this, I would make sure her story was not be trivialized or sensationalized. She had confidence that I, as director, had an understanding of what was at stake. I believed that also we shared the tenet of feminism that the "personal is political" — challenging the dominant ideology that the private and the public are separate spheres. That is, as feminists, we assume that the public and private sphere shape each other, as, for instance, in the continuing inequality in average pay between men and women (currently approximately 17% in the UK) legitimized by the assumption the "private" sphere is still women's primary responsibility.

For both of us, Liz's dilemma was indeed not merely a "private" one but arose from the structural social inequality faced by lesbians as parents and as citizens. As such, we did not see that filming her situation *per se* was an "invasion of privacy," in dominant journalistic parlance, but a means of foregrounding how the "private" sphere of our intimate lives is molded by what is and is not socially sanctioned. Also unlike in classic observational films such as Wiseman's, every individual scene that we filmed was with the agreement of the Liz and her lawyer and the times, dates and activities to be filmed were set in advance with them. Many sequences also involved Liz's performing actions for camera (such as sorting out her son's things) and my on-camera interaction with the people on camera through interviews which were planned and executed with Liz's collaboration.

During the period of the production, however, this shared understanding came under threat as Liz's situation evolved. She retreated from the filming as she tried to re-establish a relationship with her partner. I found myself stuck with an unfinished story. At this point my more "professional" motivations for making the film began to predominate. I wrote above that I thought that the audience would want to hear from Liz the conclusion of her story but in reality it was I who *needed* Liz to give me a story since I was commissioned to deliver one. This was the first long film I had a chance to get aired. To make it, I had written a treatment where the story had an ending; that story rather than the retrospective ones won us production funding. Emmanuel Berman and colleagues have written about how those filmed, the documentary protagonists, waver between fear of exploitation and need for exhibitionism.[18] In the process of documentary making, I would argue that not only the protagonists but also the director are torn between an exhibitionist need to be seen —putting their work in the public arena — and a fear of being exposed for making a film that doesn't "work."

In the written treatments often required by television channels —as some kind of security that they will get what they are paying for — the filmmakers tend to script people's lives in advance of shooting those lives. But once I as a director write the likely story of a film in this way, the more I am obliged to make events fit the script so as to "deliver" what has been promised. (This tendency has of course been exacerbated in "reality television" where the game show formats and selection of "cast" are designed to produce conflicts amongst participants.) In these circumstances it is very difficult to achieve a collaborative approach of the kind Tom Waugh identifies in U.S. oppositional lesbian and gay films where, he suggests:

"The traditional notion of consent/surrender of the subject is replaced by strategies that heighten collaboration between filmmaker and subject, that maximise the subjects control over his/her image." [19]

Instead a television director's desire for structural and thematic coherence may clash with the subjects' moral rights to have a say in how they are represented.

The ambivalence that I felt in relation to my position vis-à-vis Liz is particularly evident in one section of the film itself. We were, unsurprisingly, not able to film inside the court at Liz's first appearance to seek access to her son. So we filmed her driving to court, as she came out of the court building, and in the car afterwards with her lawyer. We put a radio microphone on her so we could tape her conversation with her solicitor as she walked away from the court building, not least because we did not want to surprise Susan if she was there. In the final film we used all of the very long shot of Liz and her solicitor, Margaret, walking away from the court as we hear Liz speaking at normal volume about what has happened:

"Oh gosh, I was really anxious. As time was going on I was getting more and more uptight and I felt myself going red in the face. Because it seemed like initially he was going to go with everything and be really liberal about it and then he started to be persuaded about what Susan's solicitor was talking about. So I started to get really very anxious then."

We then cut to a medium close up of the two women sitting in Margaret's car looking towards the camera and smiling as we hear me ask: "So how did it go? What's the result?" Liz replies,

"Oh it went really well. I am going to get access twice a week, Mondays and Friday mornings for three hours, it's brilliant."

This is followed by a rear view, silhouetted shot of the two women in Margaret's car in a

staged conversation where they reveal further details of the court debate.

Margaret: "He was concerned about the psychological effects that it might have on a child with two mothers — as he kept referring to — but he has actually ordered of his own volition, a psychologist's report."

Liz: "Which I am quite happy to participate with obviously because I do have John's best interests at heart and hopefully this will establish beyond any doubt that there will be no adverse psychological effects of me having a part in his life."

The shifts in address in this sequence highlight the uncertainty of my relation to Liz's story. We move from a highly contrived piece of "observation" where we appear to be eavesdropping on the protagonists (which implies we must have heard the result of the hearing) to a shot with her addressing the camera where Liz tells us the result. The two sequences query the reality effect intended in each, since they inadvertently reveal their own constructedness.

I veered between identifying with Liz and keeping a professional distance, a conflict which was exacerbated by the context of making the film in this unusual context — for a lesbian magazine program on a major television channel, where the partly observational style I felt obliged to follow seemed out of keeping with my identification with the main character. It brought home the tensions between an observationalism, where those in front of the camera are constituted as the "other" or the "what" of the film, and the more reciprocal relations of feminist and lesbian politics, which makes such objectification problematic.

Re-interviewing Liz: politics, mediation and visibility

"One perceives that documentaries are not exactly about others, but about *how* documentarians portray others. The representation of any thing is the creation of another thing. In the case of documentary, *this other creation is a character*." [20]

So far I have outlined the professional and political reasons why I felt that my utilization of Liz's story was legitimate and the ways in which I justified to myself the use of the footage involving her at different stages of the production. Nonetheless questions remained during and after the program's completion, which became more acute in the wake of the press coverage.

Understandings, agreements and contracts which are in place at the outset or during the course of a production may come under pressure by the time the film hits the screen. Its images and ideas circulate in different ways among diverse sections of the audience and its meanings are mediated through publicity and other media. So many factors intervene between the moment of meeting, the scene of filming, and the time of the film's appearance in the public realm that a film's circulation inevitably has unforeseen consequences. Directors don't necessarily know what meanings will emerge in post-production or how aspects of the film will be appropriated in ways they never intended in different contexts of circulation and exhibition. In this light, John Stuart Katz and Judith Milstein Katz point out the complexities of the notion of informed consent:

"Informed means that the person know to what he or she is consenting ... Does he anticipate how his life may change when the film is shown; how neighbours, friends or business associates might respond to his (possibly distorted) views? Last but not lest how might he be affected by reviewer's opinions even when the

filmmaker and he like and agree upon the fairness of the representation.”[21]

Although I had kept in touch with Liz throughout the edit and airing of the film, I had not, for reasons that should now be clear, talked much with her about how *she* felt about her participation in the film and her commitments to it. Conducting a fuller interview with her would allow her to extend and interrogate the way she had been represented and would give me an insight about how she now perceived what had happened to our original understanding of the film’s aims and content. Now, as an academic, I also felt that this kind of enquiry into the experience of media participants would redress an imbalance in critical writing where issues of ethics are often discussed in quite general terms rather than through this kind of empirical engagement with those represented, whose voices are seldom heard except in a few high profile cases of complaint within the media themselves.

I went to re-interview Liz in July of 2009 to see what she would actually say about the impact the finished film and the process had had on her. Inevitably her perspective in this recent interview is given, like mine, with considerable hindsight, where she recalls and interprets events in the light of her subsequent history.

It was 13 years after we had made the documentary. I didn’t ask her to be filmed and I didn’t ask to go to her home. Instead she agreed to meet in a more neutral, informal space, a café, and I recorded a sound interview with her there. By adopting this approach, I wanted her to avoid her feeling that this was a continuation of the film but instead a critical enquiry to which she was contributing under, as stated above, research governance guidelines, with the right to veto the inclusion of material that she was not happy with. It emerged that she had indeed got back together with Susan shortly after the filming. Despite the difficulties of the relationship they had had another child, a daughter, together. When we met this year they had only just broken up again.

How strange that I should appear again in her life at this point, although this time the situation was much calmer and the couple were making arrangements together regarding access to the children. Liz had not recently looked at the film so her responses were based on memory. She did not have much to say about how she felt she came over in the film. When I asked her why she decided to take part, she said she “was someone who likes to feel I am doing something, registering a comment, contributing to a debate that could only happen with that film happening.” In that respect she and I had congruent goals for the film.

There were two things she was unhappy about. First, she didn’t like the fact that “her story was not followed all the way through.” I asked her to confirm whether I had told her there would be other stories and she said yes, but that the context was wrong. Essentially she thought the other stories cast her in a bad light, since those lesbian co-parents had obtained legal rights with the consent of their partners. She rightly understood that her story became by comparison a moral tale about the struggles one would face trying to get those rights after an acrimonious break-up. Within a narrative which highlighted the new legal acknowledgement of non-biological parents, Liz could be read as the “fall guy” character.

During the editing process, Liz moved from being the narrator of her own story in front of the camera to becoming a character in a narrative told by someone else. This created a sense of alienation, even though this is commonly how a complex situation is reduced in the process of translation into film. This sense of reduction is also something that I experience as director. As João Moreira Salles describes it, the director becomes subordinated to the process of a film’s narrativization:

“After a few weeks in the editing room, the director too becomes hostage to the film. The theme imposes its priorities, and the structure leads the narrative along

paths that allow no diversions ... The paradox is this: potentially, the characters are many, though only one person was filmed. In my opinion, herein lies the true issue of documentary." [22]

So the film apparently did not favor Liz even though her story remained its most compelling part because of the conflicts she was going through before our eyes and because her story raised a lot of questions about what it means to be a parent. My editor, Anna Liebschner, said she kept wanting to come back to this ambivalent figure — but because the filming was curtailed we just did not have enough of her story.

Another surprising issue that Liz emphasized was about recognition. She was struggling, she said, to be recognized as a parent and by taking part in the film, she was also seeking other kinds of recognition — affirming the significance to others and herself of the battle she was engaged in. However, in giving her visibility, the film also opened out on to other issues about who she was and defined her in ways she then felt uncomfortable with. One thing in particular that she and her partner had been particularly unhappy about was that one of the other couples in the film "looked like a typical lesbian couple, they looked a bit "diesel dykey" and she found it "really difficult that I was on a program like that." The film contextualized her in a way she wanted in some way to disavow — creating she what she felt was a stereotyped and limiting version of her identity. Although I might have anticipated that her story would be taken up in a sensationalizing way, as happened in the press, I don't think I could have foreseen that she would regret the association with other lesbian couples or at least the "look" that signified their lesbianism. In the context in which it appeared in the film, Liz's story becomes that of "another lesbian" in a way she found not empowering but disempowering. It seems Liz felt torn between being affirmed as a lesbian and being constrained by such a naming.

Adriana Cavarero discusses this problem as she draws on a reworking of Hannah Arendt's work to theorize the shared space of narration and thus "ontological affirmation" created by the exchange of life-stories within the women's movement and in consciousness-raising specifically. She notes a contradiction in the process of feminist consciousness-raising:

"In the reflection of the one in the other, the very personal identity that is consigned to the tale of an unrepeatable life-story runs the risk of losing its expressive reality and founding itself in the common 'being women' that is represented here. 'I am you, you are me,' the words which one says are women's words, hers and mine." [23]

Another issue came up around the question of recognition:

"Not a lot of people that I knew saw it — I certainly didn't tell people about it. It wasn't something I wanted broadcast. It wasn't there for people that I know. It was there for other people to make them think, as far as I was concerned. I got stopped one day when I was at work, when going out to meet someone at hospital. I got stopped by the receptionist and she said I just want you to know I think you are really brave and I wish you luck. Someone had recognized me and I was really touched but also shocked — the idea that someone could actually give me some sort of celebrity status. So I went straight back out and got my hair all cut off. I thought oh my God I don't want people recognizing me — I went into the hairdressers and said I want my hair cut really short. I decided I wouldn't wear any of the clothes I'd worn when we were filming and they would just go in a bag and I'd take them to a charity shop because I didn't really want recognition."

Other contributors to television programs have had the same experience of being exposed in

ways they did not bargain for when they agreed to appear. Brian Winston notes that the "consent defense" is often used as a retrospective justification for such mishaps.[24] In this instance, I had not considered the possible fallout for Liz. I had not imagined that her story would be taken up in the sensationalizing way it was in the press. In recruiting her to make a film about lesbian parenting, I did not fully understand the danger that her individual story would be extracted from its unique context and she would be reduced to a "type" which did not represent her.

When I asked if she thought we had exploited her vulnerability, she said no. As I spoke to her, I realized that I had been concerned she may have been a "victim" of the documentary, mostly because of my own unease with the voyeurism that came with filming her at this crisis in her life. But despite her discomfort with some of the film's structure and consequences, I would be denying her agency if I continued to see her only through the sense of unease I had about some of the project. The context of making a television program is very different from the reciprocal one that Cavarero describes amongst the women of Milan. Although I was not sharing my history (at least on camera) with her, in many ways Liz did want me to narrate her story since we did share a political commitment to fighting for equal treatment for lesbian and gays.

Liz's comments here further underline that inevitable gap between the moment of encounter with the film crew and the final destination of the material produced. The film gave her personal recognition, which I think she wanted and needed at the time, but the public recognition that might follow being on television did not occur to her. For those who appear in a film, there is often a disconnect between the moment of recording and the representation of self that appears on the screen, between the intensely charged encounter, where the interview process resembles therapy, to the mediation of that experience where the interlocutor is no longer present. Currently many of us experience a similar illusion of intimacy at the moment of our encounter with communications technologies; we seem to engage in a kind of split consciousness which could be expressed as: "I am just exposing myself to this one person" or "I will only be seen by those who I want to see me." Filmmakers have a special ethical responsibility to be mindful of the possible consequences of this illusion of intimacy. The temptation is to exploit it.

Conclusion

As this case study shows, questions of ethics are never straightforward because of the conflicting demands placed by funding, by institutions, and by the filmmaker's own responsibilities towards his or her story, political and social constituency, the people who have entrusted you with their intimate lives. I have also suggested that these questions go well beyond matters of intention and formal or informal agreements but are implicated in the process of signification and the politics of representation.

While I was undoubtedly responsible with my editor for the structuring of the program that contextualized Liz in a particular way, regardless of our intentions, we found that her becoming visible in the popular media in itself rendered her open to categorization, surveillance and stereotyping. A long history of campaigns by lesbians, gays, blacks and other "minority" groups has led to a drive to increase minority visibility in the mainstream media. Channel Four's gay programming was at least partly the result of such campaigns and initiatives by queer media activists. Larry Gross' discussion of queer media representation in the US context is in keeping with the thrust of these campaigns. Writing in 2001, he advocates:

"Our vulnerability to media stereotyping and political attack derives from our

isolation and pervasive invisibility." [25]

In the UK there has been a marked increase in the visibility of LGBT characters since the early 1990s across all film and television genres, factual and fictional. [26] The televisual environment is more liberal than in the United States both because of public ownership of key channels and because Britain is a more secular society. In a discussion elsewhere of the much increased presence of lesbian characters in British popular culture, [27] I have argued that while "the lesbian" no longer marks the boundaries of the bizarre,

"the proliferation of images is not a sign of a revolution in social power held by lesbians but [serves] particular ends in the televisual economy and wider consumer market."

However I would suggest that greater visibility in itself does not guarantee that we are not stereotyped since we enter a signifying system in which our difference can be given many meanings. While we can make every attempt to ensure that this difference is seen progressively, formal considerations alone, whether these be in the avoidance of specific techniques or the observation of stricter ethical codes relating to consent, will not on their prevent hostile readings of the LGBT characters in either factual or fiction television. That depends on a much wider social acceptance of difference.

Notes

Special thanks to Liz for her generous co-operation on this article and to her, Donna C., Donna W., Steph and Sharon for participating in *Child of Mine*. Many thanks for their suggestions on an earlier version of this paper from my colleagues, Caroline Bassett, Michael Bull and Melanie Friend in the School of Media, Film and Music, University of Sussex and to Bill Nichols for including a version in his panel on "The Interview" at Visible Evidence, USC, 2008.

1. See the excellent discussion of the ethical issues arising in autobiographical film in John Stuart Katz and Judith Milstein Katz, "Ethics and the Perception of Ethics in Autobiographical Film," Larry Gross, John Stuart Katz and Jay Ruby (eds), *Image Ethics; The Moral Rights of Subjects in Photography, Film and Television*, New York and Oxford: Open University Press, 1988, pp.119-134. [return to text]

2. See for instance, Paul Swann, *The British Documentary Film Movement, 1926-1946*, Cambridge: Cambridge University Press, 1989 and Jo Fox, 'John Grierson, his 'documentary boys' and the British ministry of information, 1939-1942' *Historical Journal of Film, Radio and Television*, 25:3, 2005, 345-369. With reference to a major example of such conflicts in a US context see also, see Carolyn Anderson and Thomas W. Benson 'Direct Cinema and the Myth of Informed Consent: The Case of *Titticut Follies*' in Gross, Katz and Ruby *Image Ethics*, 58-90.

3. The word "community" raises quite a lot of questions about an assumed commonality between us. The term "subcultures" might be a better term to describe the social incarnation of LGBT peoples but I adopt "community" here as a signifier of the aspiration towards a shared *political* public space which the gay programming on Channel Four represented.

4. Other planned interviews for this research include a young woman who abandoned a baby she gave birth to in secret (*Abandoned Babies*, Channel Four, UK, 1996) and a lesbian activist who appeared in a film I made about the experiences of lesbians and gays under communism (*After the Revolution*, Channel Four, UK, 1989).

5. Recent work which has addressed this relationship includes Jerry Rothwell, "Filmmakers and their Subjects" in Thomas Austin and Wilma de Jong (eds), *Rethinking Documentary: New Perspectives, New Practices*, Maidenhead: Open University Press, 2008, pp 152-156. In the same volume, Silke Panse provides a fascinating comparison between two series which charted the fates of a group of people over several decades, the "longest running documentary serial in film history": *The Children of Golzow* (Winfried and Barbara Junge, Germany, 1961-2007) and the UK series *7-Up* (Michael Apted et.al, ITV, 1964-2006). Unlike the German series, she notes, "While the *7-Up* participants are asked how the repeated filming had affected their lives, the voice-over narration does not reflect on how the act of filming has affected the film's content and style," p. 70. See Silke Panse "Collective Subjectivity in *The Children of Golzow* vs. Alienation in 'Western' Interview Documentary," pp. 67-81.

6. A recent important re-evaluation of Jean Rouch is Joram Ten Brink (ed), *Building Bridges: The Cinema of Jean Rouch*, London: Wallflower, 2007.

7. http://www.sussex.ac.uk/res/documents/research_governance_code_of_practice.pdf, p.5 [Accessed 26 September 2010]

8. Early studies of Channel Four Television include Simon Blanchard and David Morley, *What's this Channel Four? An Alternative Report*, London: Comedia, 1982; and Stephen Lambert, *A Licence to be Different: The Story of Channel Four*, London: British Film Institute, 1982. For more recent accounts see Maggie Brown, *Television with a Difference: The Story of Channel Four*, London: British Film Institute, 2007; and Andrew Goodwin, *Television under the Tories: Broadcasting Policy, 1979-1997* London: BFI, 1998.

9. For a discussion of Channel Four's gay programming, see Diane Hamer with Penny Ashbrook, "Out: Reflections on British Television's First Lesbian and Gay Magazine Series," in Diane Hamer and Belinda Budge (eds), *The Good, the Bad and the Gorgeous: Popular Culture's Romance with Lesbianism*, London: Pandora, 1994; and Greg Woods, "Something for Everyone: Lesbian and Gay Magazine Programming on British Television, 1989-1999" in Glyn Davis and Gary Needham (eds), *Queer TV: Theories, Histories, Politics*, Routledge: London, 2008.

10. In the pseudomonologue form of interview, used in many television documentaries, the interviewer's questions are edited out. The process inherently involves a form of mirroring. Rather than asking direct questions, the interviewer prompts the subject to repeat elements of their story which they have already revealed in the research process. The elements are ones which the director has selected and decided are the most significant to the narrative she wishes to tell or, at least, the structure, she needs to create from the chaos of events and emotions; so the subject's story is reflected back to them through the other's interpretation.

11. Paige Schilt incisively interrogates the presumed distinction between documentary and "more stigmatized forms of non-fiction" such as reality television in her "Media whores and perverse media: documentary film meets tabloid TV in Nick Broomfield's *Aileen Wuornos: The Selling of a Serial Killer*," *Velvet Light Trap*: 45, March 2000, pp. 36-49. While noting that "Broomfield does emphasize the production of interview testimony as a commodity and, in the process, reveals certain similarities between traditional documentary practice and so-called checkbook journalism," she argues that "this film actually participates in the selling of Wuornos as a threatening class and sexual other." (p. 36)

12. *Daily Mail*, 27 September, 1996.

13. Janet Malcolm, *The Journalist and the Murderer*, London: Granta Books, 2004, p. 3

(originally published 1990).

14. Larry Gross, John Stuart Katz and Jay Ruby usefully summarize the "moral imperatives which might be appropriately be seen as common be seen as common to all "professional" production and use of images. To paraphrase these are:

1. "The image maker's commitment to him/herself to produce images which reflect his/her intention, to the best of his/her ability;
2. The image-makers' responsibility to adhere to the standards of his/her profession, and to fulfill his/her commitments to the institutions or individuals who have made the production economically possible;
3. The image maker's obligations to his/her subjects; and
4. The image maker's responsibility to the audience."

"Introduction: A Moral Pause" in Gross, Katz and Ruby (eds), *Image Ethics*, p. 6.

15. Brian Winston, "Ethics" in Alan Rosenthal and John Corner (eds), *New Challenges for Documentary*, 2nd edition, Manchester: Manchester University Press, 2005, p. 187

16. Calvin Pryluck traces how this assumption of the "greater good" was explicit in the work the exponents of Direct Cinema and cites examples from the work of the Maysles brothers, Leacock and Wiseman. In the case of *Titticut Follies* for instance, filmed in a mental hospital, with the consent of the hospital authorities, but not of its residents, "the legitimate interests of the patients were lost." "Ultimately we are all outsiders: the ethics of documentary-making" in Rosenthal and Corner (eds), *New Challenges for Documentary*, p. 202.

17. Amelia Hill, "Damned by the law for saying I can't remember," *The Observer*, 25/6/ 2008 <http://www.guardian.co.uk/uk/2006/jun/25/ukcrime.prisonsandprobation> (accessed 28/2/2010). Part of the interrogation from *A Complaint of Rape* is reproduced at the end of this article.

18. Emmanuel Berman, Timna Rosenheimer and Michal Aviad, "Documentary directors and their protagonists: a transferential/counter-transferential relationship?," in Andrea Sabbadini (ed.), *The Couch and the Silver Screen: Psychoanalytic Reflections on European Cinema*, Hove and New York: Brunner- Routledge, 2003, p. 221.

19. Thomas Waugh, "Lesbian and Gay Documentary; Minority Self-Imaging, Oppositional Film Practice and the Question of Ethics" in Larry Gross, John Stuart Katz and Jay Ruby (eds), *Image Ethics; The Moral Rights of Subjects in Photography, Film and Television*, New York and Oxford: [GIVE PUBLISHER], 1988, p. 259.

20. João Moreira Salles, "The Difficulty with Documentary" in Lucia Nagib and Cecilia Mello (2009) (eds.), *Realism and the Audiovisual Media*, London: Palgrave Macmillan, p. 230.

21. "Ethics and the Perception of Ethics in the Autobiographical Film" in Larry Gross, John Stuart Katz and Jay Ruby (eds), *Image Ethics*, pp. 119-134.

22. João Moreira Salles "The Difficulty with Documentary" in Lucia Nagib and Cecilia Mello (2009) (eds.), *Realism and the Audiovisual Media*, p. 231.

23. Adriana Cavarero, "On the Outskirts of Milan," *Relating Narratives: Storytelling and Selfhood*, London and New York: Routledge, (2000), p. 64.

24. Winston, "Ethics," p. 187.

25. Larry Gross, *Up from Invisibility*, New York: Columbia University Press, 2001, p. 15.

26. Examples in the week of writing, starting 12 September 2010, include programs using gay male presenters to interrogate the Papal visit that week, such as *The Trouble with the Pope* (Channel Four) where veteran campaigner Peter Tatchell "scrutinizes the beliefs and policies of Pope Benedict XVI, airing shortly before the Pontiff's state visit to Britain."

<http://www.channel4.com/programmes/the-trouble>

[-with-the-pope/articles/the-trouble-with-the-pope](http://www.channel4.com/programmes/the-trouble-with-the-pope/articles/the-trouble-with-the-pope) (accessed 12 July 2011)

and *Benedict: Trials of a Pope*, where a gay, liberal filmmaker explores the travails of Pope Benedict XVI and by extension his own self-described 'balancing act.' Can he continue to accept spiritual guidance from a man who describes his sexuality as "an intrinsic moral evil?" (BBC 2, 15 Sept 2010, 7.00-8.00pm,

<http://www.bbc.co.uk/programmes/b00ttj16#clips> (accessed 12 July 2011)

27. Lizzie Thynne "Being Seen: 'The Lesbian' in Television Drama," in Linda Anderson and David Alderson (eds) *Territories of Desire in Queer Culture*, Manchester: Manchester University Press, 2000. The programs discussed are a number of "quality prime" time dramas aimed at female audiences as well as *Queer as Folk* (Red Productions for Channel Four, 1999) in which "the characters' homosexuality was taken for granted and the 'gay lifestyle' was used as a selling point—quintessentially, young, sexy, affluent and pleasure-loving," p. 211.

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